

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

September 30, 2002

RESPONSIBLE STAFF:

Jennifer Russel

Mark Depoe

Trudy Schwarz

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
X	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

TITLE:

Master Plan Special Study Area: "Muddy Branch Study Area"

SUPPORTING BACKGROUND:

This will be the fourth in a series of ten work sessions to obtain Mayor and Council and Planning Commission guidance on the identified special study areas which are part of the City's Master Plan update.

A stakeholders meeting was held on September 26, 2002 for the Muddy Branch special study area. During this meeting, staff received helpful public input.

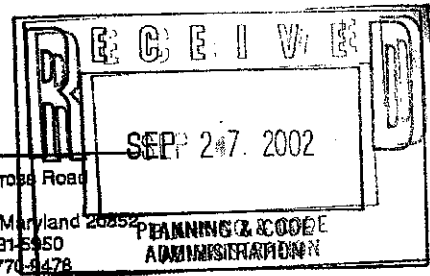
During the work session staff will present the results of the meeting.

Planning and Code Administration Director Russel will begin a staff presentation followed by Long Range Planning Director DePoe and Urban Design Director Schwarz who will present the stakeholders meeting results (staff presentation will last approximately ten minutes).

Attached to the end of this package is letter received today from the owner of the Festival Shopping Center, the Nellis Corporation. The owner was in attendance of the Sept 26, 2002, Stakeholders Meeting.

DESIRED OUTCOME:

Hear presentation, discuss alternatives, and attempt to reach consensus.

NELLIS CORPORATION
Private Capital Management6001 Montross Road
Suite 600
Rockville, Maryland 20852
Tel (301) 881-8450
Fax (301) 770-9478PLANNING & CODE
ADMINISTRATION

VIA Facsimile
Sent to Fax # (301) 258-6336

September 27, 2002

Trudy M.W. Schwarz
Senior Planner
Chief Liaison
Board of Appeals
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877-2098

Re: Gaithersburg Master Plan
Muddy Branch Special Study Area

Dear Mrs. Schwarz:

We are the owners of Festival at Muddy Branch Shopping Center (except for the condominium unit owned by Weis Market) which is one of the two properties located in the Muddy Branch Special Study Area. I attended the Stakeholders Meeting last night and listened to the discussions regarding the potential uses for the other property located in the Muddy Branch Special Study Area (i.e., the vacant parcel across the street from us).

As owners of the Shopping Center, we are opposed, at this time, to converting the zoning for the vacant parcel from a multi-family apartment use to a C-2 zoning and/or any other commercial use. We feel strongly that the Muddy Branch area has enough commercial zoning at this time and any additional commercial zoning will detract from, and adversely affect, what is already there. We have owned the Shopping Center since 1991 and have continuously struggled to keep the Center fully leased, and leased with retail tenants, but have not been successful. Specifically, we have resorted to leasing space at the Center to non-retail uses (i.e., office and quasi-retail uses), which are not our preference, in an attempt to keep the Center substantially occupied. Adding another commercially zoned property to the area will certainly be detrimental to the existing commercial owners' efforts (including our efforts) to (i) bring and keep retail tenants and (ii) make the existing commercial properties viable.

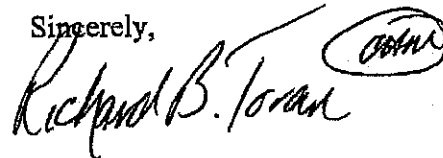
In addition, the condominium documents which regulate Festival at Muddy Branch Shopping Center contain significant impediments that prevent us from leasing our vacant pad sites for some of the uses which have been proposed for the property across the street (i.e., a gas station). With the closing of the Weis Market and our initial discussions with the potential new owner of that

Trudy M.W. Schwarz
September 27, 2002
Page 2

condominium unit, we are confident that these impediments will soon disappear and we will have the opportunity to pursue new types of uses for the Shopping Center (e.g., a gas station). We believe that this new found flexibility with respect to the pad sites will invigorate our efforts to lease this area of the Shopping Center.

Again, at this time, please take into consideration that we are opposed to any proposal to change the zoning for the vacant parcel in the Muddy Branch Study area for many reasons, including those listed above. Please consider our opposition and the attendant hardship that such rezoning will create when making your decision regarding the Gaithersburg Master Plan.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard B. Toran". To the right of the signature is a small, circular stamp or mark containing the word "John".

Richard B. Toran

cc: Gaithersburg City Council

- Gaithersburg Master Plan Update - Muddy Branch Special Study Area

✓ *BACKGROUND*

**1997 MASTER PLAN AUTHORITY*

**SMART GROWTH PRINCIPLES*

**2002 STRATEGIC PLAN DIRECTION*

**URBAN DESIGN PRINCIPLES*

✓ *STAKEHOLDERS MEETING*

✓ *Muddy Branch INFORMATION*

✓ *POTENTIAL LAND USES*

- Gaithersburg Master Plan Update - Muddy Branch Special Study Area

MASTER PLAN AUTHORITY

- 1933 - Article 66B Maryland Planning and Zoning Enabling Act (Section 3.05 Mandates)
- 1992 - Economic Growth Resource Protection and Planning Act
- 1997 - Smart Growth and Neighborhood Conservation Initiatives

- Gaithersburg Master Plan Update - Muddy Branch Special Study Area

CITY OF GAITHERSBURG SMART GROWTH PRINCIPLES

1. Planning and development must be connected.
2. Planning and development must address Transportation Needs.
3. Planning and development must encourage economic growth.
4. Planning and development must strengthen community diversity.
5. Planning and development must provide for the environment with public green spaces and environmental stewardship.
6. Planning and development must enhance the City's identity and unique character.

- Gaithersburg Master Plan Update -
Muddy Branch Special Study Area

CITY OF GAITHERSBURG
2002 STRATEGIC DIRECTION

“Ensure that all planning and development considers and responds to the City’s environmental, transportation, economic, social and civic needs.”

- Gaithersburg Master Plan Update - Muddy Branch Special Study Area

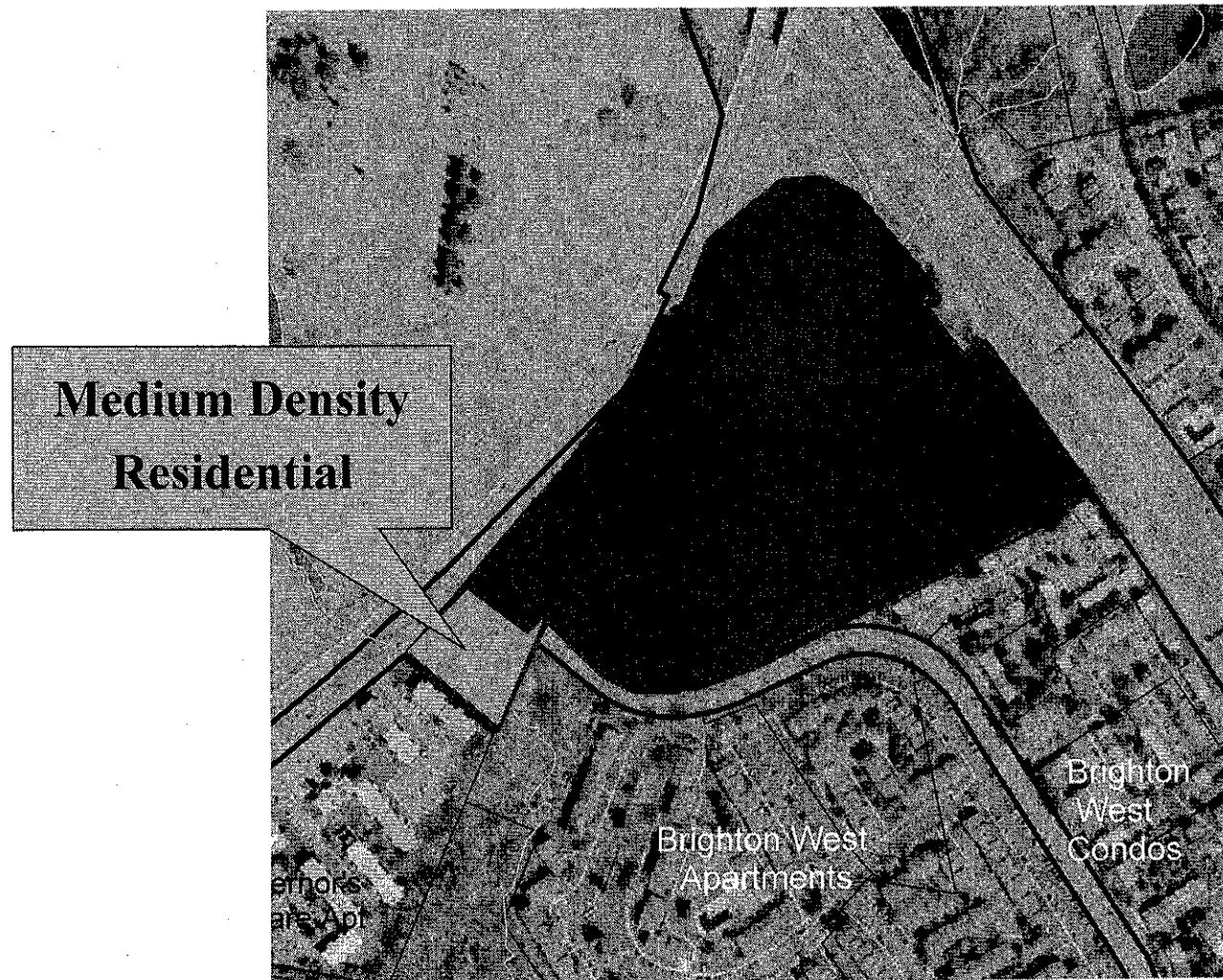
URBAN DESIGN PRINCIPLES

- Good Connectivity
- Pedestrian Oriented
- Mix of Uses
- Live / Work / Learn / Play
- Transit Oriented

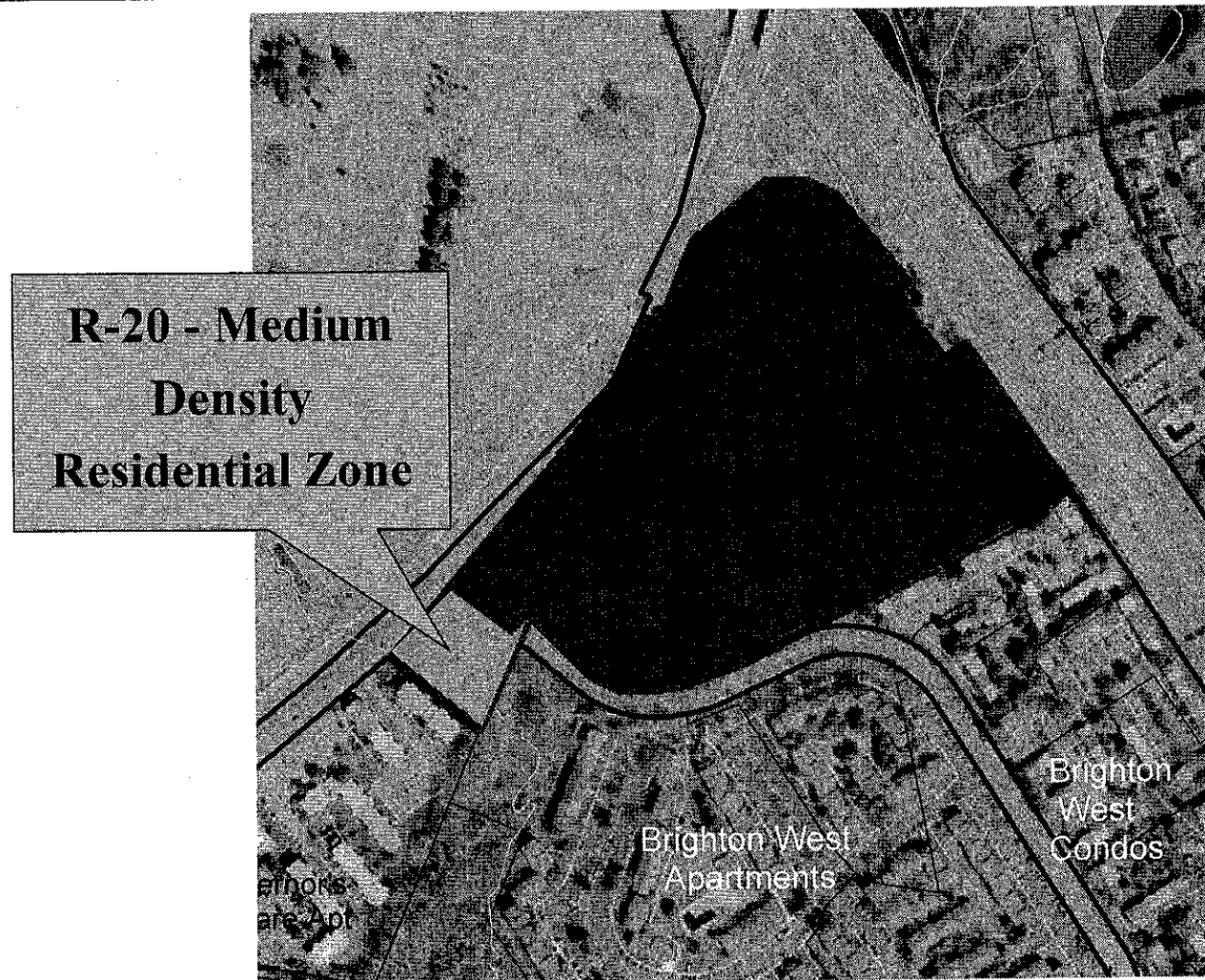
- Gaithersburg Master Plan Update - Muddy Branch Special Study Area



- Muddy Branch Special Study Area - Current Land Use Designations



- Muddy Branch Special Study Area - Current Zoning Designations



- Muddy Branch Special Study Area -
Current/Future Development

EXISTING SQUARE FOOTAGE

Festival Shopping Center

EXISTING TOTAL 205,169 sq. ft.

FUTURE DEVELOPMENT 30-40,000 sq. ft.

Schultze Property

FUTURE DEVELOPMENT 20 One-Bedroom Apts.

(Per 1992 Annexation Agreement)

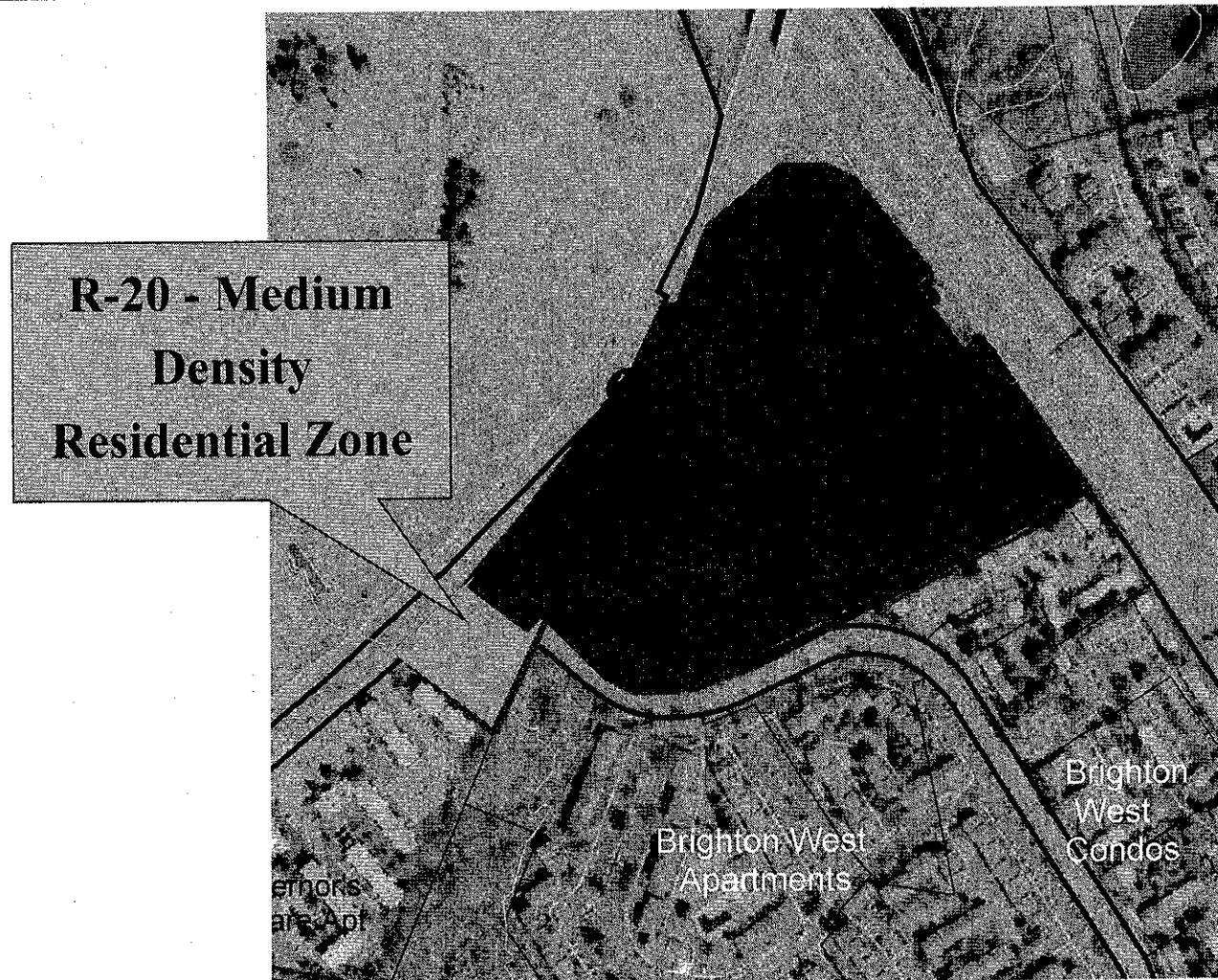
- Gaithersburg Master Plan Update - Muddy Branch Special Study Area

STAKEHOLDERS MEETING

September 26, 2002

- **Help shape the future of Muddy Branch.**
- **How can the Muddy Branch site be developed?**
- **What are the most economically and socially beneficial land use alternatives?**
- **What are the challenges and opportunities for addressing environmental concerns?**

- Muddy Branch Special Study Area - **STAKEHOLDERS LAND USE SUGGESTIONS**



- Gaithersburg Master Plan Update -
Muddy Branch Special Study Area

*STAKEHOLDERS LAND USE
SUGGESTIONS*

FESTIVAL SHOPPING CENTER

- **Retain Commercial Land Use Designation and C-2 Zoning**
- **Incorporate Uses Such As Medical Office, Gas Station, Youth Center, Community Theater, Public (City) Building, Police Substation and Hotel.**

- Gaithersburg Master Plan Update -
Muddy Branch Special Study Area

*STAKEHOLDERS LAND USE
SUGGESTIONS*

SCHULTZE PROPERTY

- **Redesignate Land Use as Open Space**
- **Redesignate Land Use as Low Density Residential (Owner Occupied)**
- **Redesignate Land Use as Commercial**

- Gaithersburg Master Plan Update -
Muddy Branch Special Study Area

*STAKEHOLDERS LAND USE
SUGGESTIONS*

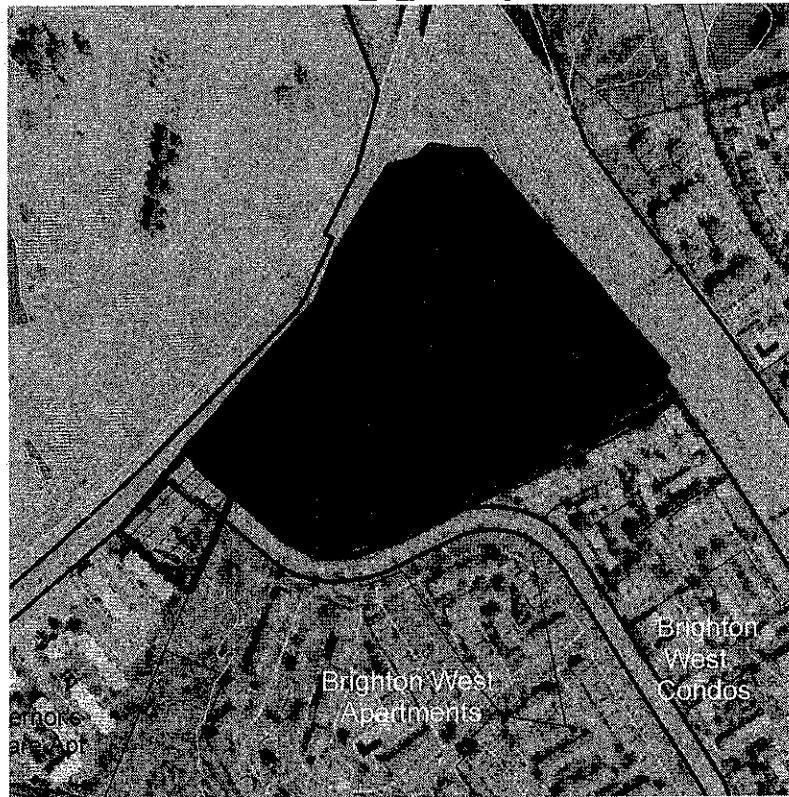
SCHULTZE PROPERTY

- **Park**
- **Apartment Condominiums (Owner Occupied)**
- **Gas Station/Convenience Store**
- **Fast Food Restaurant**
- **Single-Family Detached (Owner Occupied)
Housing**

- Gaithersburg Master Plan Update - Muddy Branch Special Study Area

LAND USE ALTERNATIVES

Festival Shopping Center

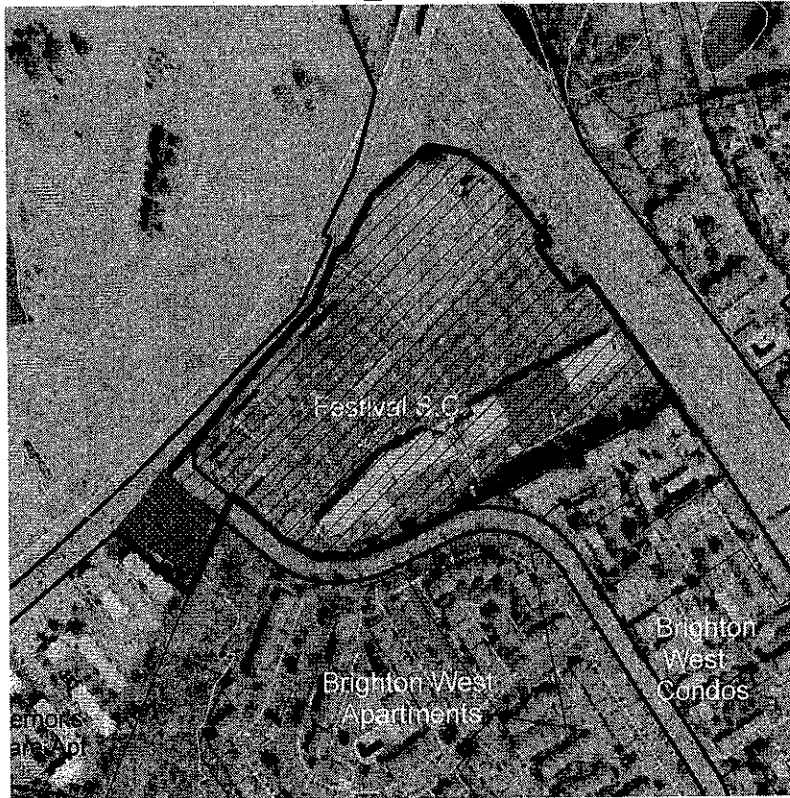


- RETAIN COMMERCIAL LAND USE
- PRO
 - Conforms with Existing Development
 - Opportunity for New Businesses

- Gaithersburg Master Plan Update - Muddy Branch Special Study Area

LAND USE ALTERNATIVES

Schultze Property

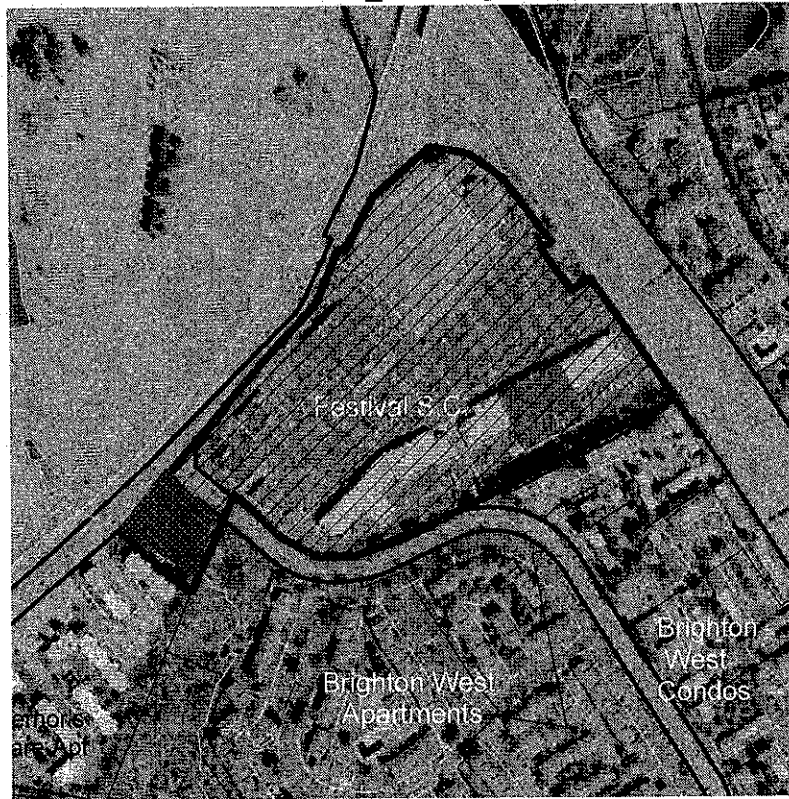


- RETAIN MEDIUM DENSITY RESIDENTIAL LAND USE
- PRO
 - Conforms with Existing Annexation Agreement

- Gaithersburg Master Plan Update - Muddy Branch Special Study Area

LAND USE ALTERNATIVES

Schultze Property

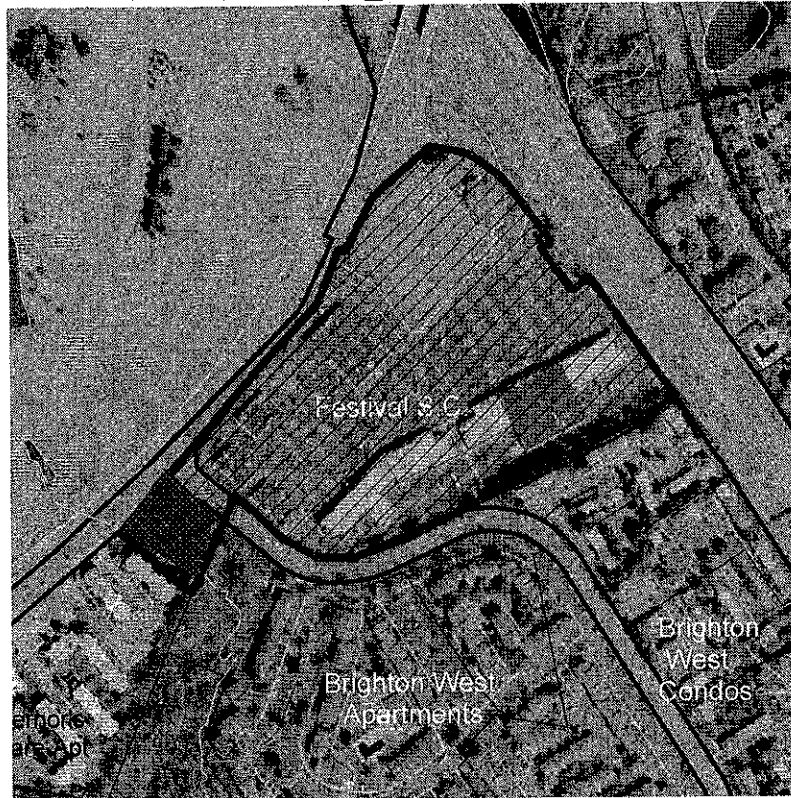


- RETAIN MEDIUM DENSITY RESIDENTIAL LAND USE
- CON
 - Too many apartments in the area
 - Annexation plan does not conform to the current Environmental Regulations

- Gaithersburg Master Plan Update - Muddy Branch Special Study Area

LAND USE ALTERNATIVES

Schultze Property

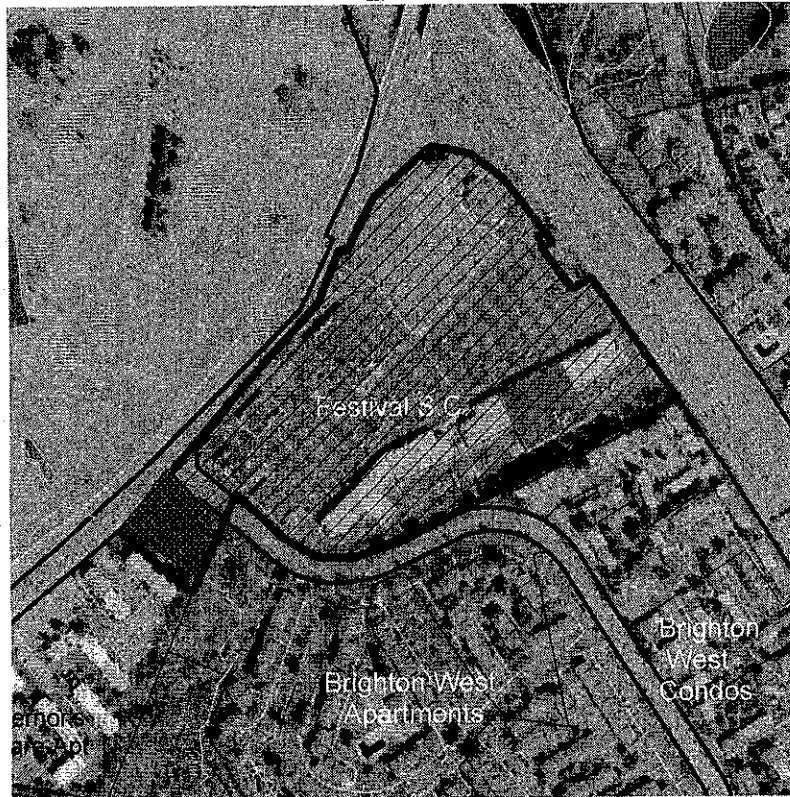


- DESIGNATE OPEN SPACE LAND USE
- PRO
 - Preserves and Protects Environmental Amenities
 - No Traffic and School Impact

- Gaithersburg Master Plan Update - Muddy Branch Special Study Area

LAND USE ALTERNATIVES

Schultze Property

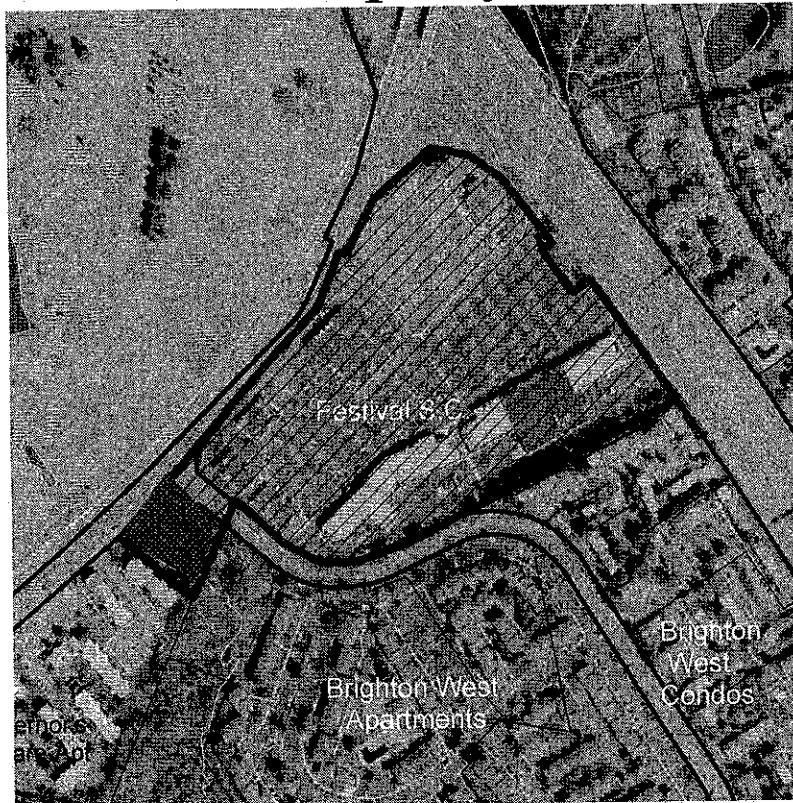


- DESIGNATE OPEN SPACE LAND USE
- CON
 - Must have property owner's consent to renegotiate Annexation Agreement
 - Lost of City Revenue
 - Potential Cost and Maintenance by City

- Gaithersburg Master Plan Update - Muddy Branch Special Study Area

LAND USE ALTERNATIVES

Schultze Property



- DESIGNATE LOW DENSITY RESIDENTIAL LAND USE
- PRO
 - Ability to Preserves and Protects Environmental Amenities
 - Less Traffic and School Impact

- Gaithersburg Master Plan Update - Muddy Branch Special Study Area

LAND USE ALTERNATIVES

Schultze Property

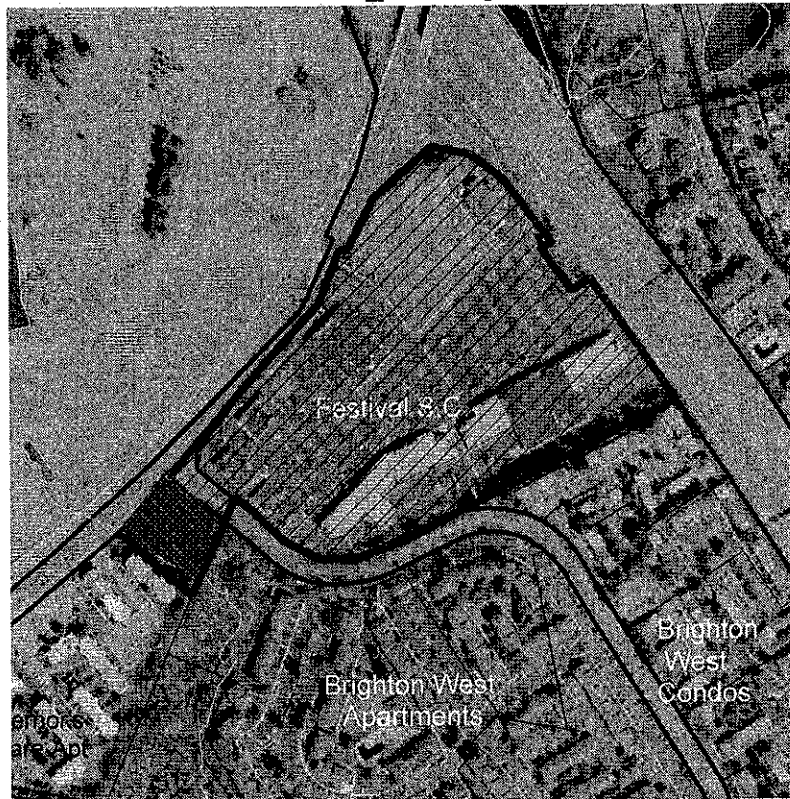


- DESIGNATE LOW DENSITY RESIDENTIAL LAND USE
- CON
 - Must have property owner's consent to renegotiate Annex. Agreement
 - Proximity to roadway
 - Traffic and School Impact
 - Impact to Environmental Resources
 - Not compatible with surrounding land uses

- Gaithersburg Master Plan Update - Muddy Branch Special Study Area

LAND USE ALTERNATIVES

Schultze Property

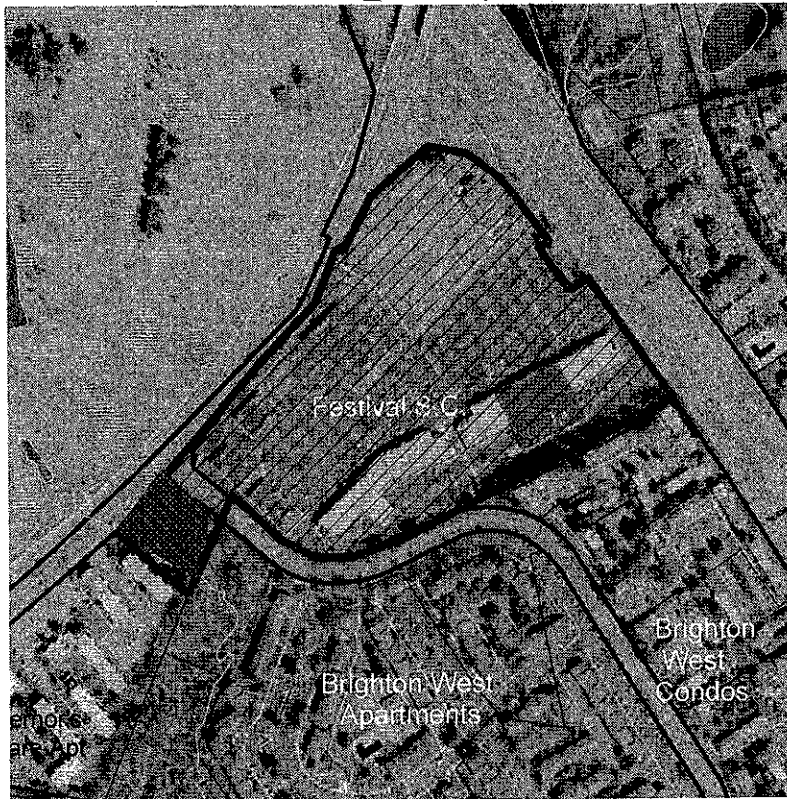


- DESIGNATE COMMERCIAL LAND USE
- PRO
 - Ability to Preserves and Protects Environmental Amenities
 - Allows uses to serve the immediate community
 - Generates more revenue
 - No School Impact

- Gaithersburg Master Plan Update - Muddy Branch Special Study Area

LAND USE ALTERNATIVES

Schultze Property



- DESIGNATE COMMERCIAL LAND USE
- CON
 - Must have property owner's consent to renegotiate Annexation Agreement
 - Impact Environmental Resources
 - Traffic Impact
 - Traffic Circulation